

**MINUTES OF THE LOCAL AGENCY FORMATION COMMISSION
HEARING OF MARCH 19, 2003**

REGULAR MEETING

9:00 A.M.

MARCH 19, 2003

PRESENT:

COMMISSIONERS:	Gerald W. Smith, Chairman	Neal Hertzmann, Alternate
	Jim Bagley, Vice Chairman	Richard P. Pearson
	Paul Biane	Bill Postmus
	Bob Colven	A. R. "Tony" Sedano, Alternate
	James V. Curatalo, Alternate	Diane Williams

STAFF: **Kathleen Rollings-McDonald, Deputy Executive Officer**
 Clark H. Alsop, Legal Counsel
 Jeffrey Goldfarb, Special Legal Counsel
 Debby Chamberlin, Clerk to the Commission

ABSENT:

STAFF: **James M. Roddy, Executive Officer**

COMMISSIONERS: **Dennis Hansberger, Alternate**

REGULAR SESSION - CALL TO ORDER - 9:05 A.M.

Chairman Smith calls the regular session of the Local Agency Formation Commission to order.
Commissioner Colven leads the flag salute.

Chairman Smith requests those present who are involved with any of the changes of organization to be considered today by the Commission and have made a contribution of more than \$250 within the past twelve months to any member of the Commission to come forward and state for the record their name, the member to whom the contribution has been made, and the matter of consideration with which they are involved.
There are none.

SWEARING IN OF NEW ALTERNATE CITY MEMBER OF THE COMMISSION

Debby Chamberlin, Clerk to the Commission, administers the Oath of Allegiance to Alternate City Member Neal Hertzmann, who is filling the unexpired term of office of David Eshleman, which expires May, 2006.

APPROVAL OF MINUTES FOR REGULAR MEETING OF FEBRUARY 19, 2003

Chairman Smith calls for any corrections, additions, or deletions to the minutes. There are none.
Commissioner Postmus moves approval of the minutes as presented, seconded by Commissioner Pearson.
Chairman Smith calls for a voice vote on the motion and it is as follows: Ayes: Bagley, Biane, Colven, Pearson, Postmus, Smith, Williams. Noes: None. Abstain: None. Absent: None.

CONSENT ITEMS

LAFCO considers the item listed under its consent calendar, which Chairman Smith states is approval of the Executive Officer's Expense Report. Deputy Executive Officer Kathleen Rollings-McDonald announces that there is no expense report being submitted at this time.

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REQUEST FOR RECONSIDERATION SUBMITTED BY THE REDLANDS ASSOCIATION OF THE COMMISSION'S APPROVAL OF CONFIRMATION OF EXEMPTION FROM GOVERNMENT CODE SECTION 56133 FOR WATER AND SEWER SERVICE FROM CITY OF REDLANDS IN THE DONUT HOLE AREA - CONTINUE TO APRIL 16, 2003

LAFCO conducts a public hearing to consider a Request for Reconsideration submitted by The Redlands Association of the Commission's January confirmation of exemption from Government Code Section 56133 for water and sewer service from the City of Redlands (hereinafter referred to as "the City") in the "Donut Hole" area. Notice of this hearing was advertised as required by law through publication in The Sun and the Redlands Daily Facts, newspapers of general circulation in the area, and individual notification was provided to affected and interested agencies, County departments, and those individuals requesting mailed notice.

It is noted that Legal Counsel Clark Alsop leaves the hearing at approximately 9:10 a.m. as his law firm of Best Best & Krieger is Special Counsel to the City on unrelated matters. The Commission is represented for this item by Special Counsel Jeffrey Goldfarb of the law firm of Rutan & Tucker.

Commissioner Postmus asks for clarification related to the March 12 memo forwarding landowner lists pursuant to the Fair Political Practices Commission ruling. He discusses that the memo is very confusing as written and asks whether Item 4 and SC#194, which are both listed as Item No. 1, are both potential conflicted items. Ms. McDonald explains that the landowner listing applies to both Item 4, the Request for Reconsideration, and Item 5, LAFCO SC#194, as they involve the same study area.

Commissioners Postmus and Biane announce that they will abstain from voting on Items 4 and 5 and they leave the hearing.

Deputy Executive Officer Kathleen Rollings-McDonald presents the staff report, a copy of which is on file in the LAFCO office and is made a part of the record by reference herein. Ms. McDonald states that the staff recommendation is that this item be continued to the April 16, 2003 hearing to allow for submission of information from the attorneys for the City and Majestic Realty related to this request for reconsideration. She notes that Government Code Section 56895 allows a 35-day continuance.

Commissioner Colven asks whether staff will have the documents in time for the April 16 hearing. Ms. McDonald responds that she will work with the parties to see that the information is received so that the Commission can review the request for reconsideration in April.

Commissioner Sedano asks Mr. Goldfarb what his position is on a postponement. Mr. Goldfarb states that he recommends the continuance, adding that he and staff also would like to have discussions with the County on this issue.

Chairman Smith comments that it is unfortunate they do not have the information necessary to conduct the hearing today. He opens the hearing and asks if there is anyone present wishing to speak on this item. There is no one and he closes the hearing.

Commissioner Pearson moves approval of staff recommendation, seconded by Commissioner Colven. Chairman Smith calls for a voice vote on the motion and it is as follows: Ayes: Bagley, Colven, Pearson, Smith, Williams. Noes: None. Abstain: Biane, Postmus. Absent: None.

CONSIDERATION OF: (1) CEQA STATUTORY EXEMPTION FOR LAFCO SC#194; AND (2) LAFCO SC#194 - CITY OF REDLANDS OUT-OF-AGENCY SERVICE CONTRACT FOR FIRE PROTECTION AND PARAMEDIC SERVICES IN THE DONUT HOLE AREA - CONTINUE TO APRIL 16, 2003

It is noted that Legal Counsel Clark Alsop and Commissioners Biane and Postmus are absent from this hearing due to conflicts. The Commission is still represented by Special Counsel Jeffrey Goldfarb on this item.

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LAFCO conducts a public hearing to consider LAFCO SC#194 - City of Redlands Out-of-Agency Service Contract for Fire Protection and Paramedic Services in the "Donut Hole" area. Notice of this hearing was advertised as required by law through publication in The Sun and the Redlands Daily Facts, newspapers of general circulation in the area, and individual notification was provided to affected and interested agencies, County departments, and those individuals requesting mailed notice.

Deputy Executive Officer Kathleen Rollings-McDonald presents the staff report, a copy of which is on file in the LAFCO office and is made a part of the record by reference herein. Ms. McDonald states that the staff recommendation is that this item be continued to the April 16, 2003, hearing to allow for more time to review questions with Special Counsel.

Commissioner Pearson moves approval of staff recommendation, seconded by Commissioner Colven. Chairman Smith calls for a voice vote on the motion and it is as follows: Ayes: Bagley, Colven, Pearson, Smith, Williams. Noes: None. Abstain: Biane, Postmus. Absent: None.

It is noted that Legal Counsel Alsop and Commissioners Biane and Postmus return to the meeting and Special Counsel Jeffrey Goldfarb leaves the meeting at 9:18 a.m.

STATUS REPORT AND CONTINUATION OF LAFCO 2908 - CITY OF CHINO ANNEXATION NO. 2001-01 (SUBAREA 2--AGRICULTURAL PRESERVE) - CONTINUE HEARING TO MAY 21, 2003

LAFCO conducts a hearing to receive a status report and then continue consideration of LAFCO 2908 - City of Chino Annexation No. 2001-01 to the June 18, 2003 hearing. Notice of this hearing was advertised as required by law through publication in The Sun and the Inland Valley Daily Bulletin, newspapers of general circulation in the area, and individual notification was provided to affected and interested agencies, County departments, and those individuals requesting mailed notice.

Deputy Executive Officer Kathleen Rollings-McDonald presents the staff report, a copy of which is on file in the LAFCO office and is made a part of the record by reference herein. Ms. McDonald states that the City of Chino (hereinafter referred to as "the City") submitted its application for annexation of the balance of the Agricultural Preserve in November, 2002. She says the Certificate of Filing was issued in December, 2002, requiring that the hearing be held within 90 days of the issuance of the Certificate, necessitating this March hearing date. She reports that the General Plan Amendment, Specific Plan and Environmental Impact Report (EIR) should be adopted by the City Council on March 25, noting that a timeline for the Commission's review of this proposal is included in the staff report. Ms. McDonald says the staff recommendation is that the Commission continue consideration of LAFCO 2908 to the June 18 hearing, noting that the required notices for that hearing will be provided to landowners and voters. She states that representatives of the City and Lewis Operating Corporation, the major developer in the area, are present today and says she will be happy to answer any questions.

There are no questions and Chairman Smith opens the public hearing.

Chuck Coe, the City's Director of Community Development, states that he and Ms. McDonald have been working together on this proposal for a long time and says the City is very close to adoption of the Specific Plan. Mr. Coe states the City Council's first hearing was on March 11; and he says it went well, with three speakers in support and two speakers in opposition to the project. He reports that during the Planning Commission hearing a few weeks ago, all but about two of the ten or fifteen speakers were in favor of the project. He says the City is proud of the public outreach program involved with this project and says the City has a good relationship with the landowners, Lewis Operating Corporation and the environmental community. Mr. Coe says that although the staff recommends a continuance to the June 18 hearing, he is presenting this morning a revised schedule which shows that the City can comfortably be ready for a hearing in May. A copy of the revised schedule is on file in the LAFCO office and is made a part of the record by its reference herein. He reports that on March 25 the City Council is expected to adopt the Specific Plan,

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certify the EIR, and have the first reading of the rezoning ordinance, with the second reading of the ordinance on April 1 and the filing of the Notice of Determination on April 2, which will start the 30-day legal challenge period. He notes that in the meantime, City staff will complete and provide a few documents requested by LAFCO staff. Mr. Coe requests that the hearing be continued to May 21 instead of June 18.

Commissioner Pearson asks Ms. McDonald whether LAFCO staff can accommodate the revised schedule requested by the City. Ms. McDonald responds they can, barring the filing of litigation.

Pat Loy, representing Lewis Operating Corporation, states they own not quite 50% of the developable land and says he is available to answer any questions. Commissioner Pearson says he expressed concern about potential impacts to the Chino Airport when the Commission considered the annexation of the other part of the Agricultural Preserve to the City of Ontario. He asks to what degree potential impacts to the Airport have been included in these deliberations. Mr. Loy responds that they met with Airport officials as recently as one month ago on issues related to school siting, noise contours, and ultimate growth and development of the Airport. He says going back several years, the City met with Airport officials to review the County's plans for growth at the Airport. He says as new development applications come in, there are conditions that the developer work with the Airport and present plans to them for review and comment as the plans go through the City's planning review process.

John Withers, Senior Project Manager for Lewis Operating Corporation, says there has been public outreach and consultations with stakeholders, property owners, and public agencies. He says there has been extensive dialogue with Airport officials and environmental stakeholders, pointing out that the very smooth public hearing process is a testament to the work that has been done upfront. Regarding the Airport, Mr. Withers says they are aware that the County is in the process of updating its master land use plan, and he says they made sure the plan proposed was consistent with the currently adopted plan. He adds that they have been actively participating in the County's update process and have a good working relationship with the Airport people. He says if possible, it would be helpful if the hearing could be continued to May rather than June.

Chairman Smith asks if there is anyone else wishing to speak on this item. There is no one and he closes the hearing.

Commissioner Williams moves to continue this hearing to May 21, 2003, seconded by Commissioner Bagley. Chairman Smith calls for a voice vote on the motion and it is as follows: Ayes: Bagley, Biane, Colven, Pearson, Postmus, Smith, Williams. Noes: None. Abstain: None. Absent: None.

TRANSFER OF PRINCIPAL COUNTY RESPONSIBILITY FROM SAN BERNARDINO LOCAL AGENCY FORMATION COMMISSION TO RIVERSIDE LOCAL AGENCY FORMATION COMMISSION FOR LAFCO 2935 - YUCAIPA VALLEY WATER DISTRICT ANNEXATION (OAK VALLEY AREA LOCATED IN RIVERSIDE COUNTY)

LAFCO conducts a public hearing to consider the transfer of principal county responsibility from San Bernardino LAFCO to Riverside LAFCO for LAFCO 2935 - Yucaipa Valley Water District Annexation (Oak Valley Area Located in Riverside. Notice of this hearing was advertised as required by law through publication in The Sun and the Yucaipa-Calimesa News Mirror, newspapers of general circulation in the area, and individual notification was provided to affected and interested agencies, County departments, and those individuals requesting mailed notice.

Deputy Executive Officer Kathleen Rollings-McDonald presents the staff report, a copy of which is on file in the LAFCO office and is made a part of the record by reference herein. Ms. McDonald states that at last month's hearing the Commission was presented with a letter from the Executive Officer of Riverside LAFCO seeking a transfer of principal county responsibility for the annexation of territory to the Yucaipa Valley Water District. Ms. McDonald explains that this annexation proposal involves the development project commonly known as "Oak Valley", a large-scale project on the west side of the I-10 Freeway. She reports

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that this proposal also involves annexations to, and sphere of influence amendments for, the Cities of Calimesa and Beaumont, sphere of influence amendments for Yucaipa Valley Water District in Riverside County (over which this LAFCO has no jurisdiction), annexation to the Beaumont-Cherry Valley Water District, and other miscellaneous changes to address this project. She says Riverside LAFCO requested this transfer so that they could concurrently consider these changes. She states that Government Code Section 56388 provides for a transfer of jurisdiction if: (1) San Bernardino LAFCO agrees to the transfer and designates Riverside LAFCO to assume the exclusive jurisdiction for this change; and (2) Riverside LAFCO agrees to assume exclusive jurisdiction. Ms. McDonald says this request has been reviewed with the Yucaipa Valley Water District staff informally and that they consent to this transfer. She points out that, if approved, this transfer will be for this one proposal only. She says the staff recommendation is that the Commission (1) authorize the Riverside LAFCO to assume exclusive jurisdiction for the proposed annexation to the Yucaipa Valley Water District; and (2) adopt LAFCO Resolution No. 2767 reflecting this action.

Commissioner Colven inquires whether the Commission, if it authorizes this transfer, can intercede later in the proposal process if it wishes to do so. Ms. McDonald responds that staff can provide Riverside LAFCO with information if the Commission wishes, but she says the responsibility to review the application and conduct hearings and the protest proceedings will be transferred to Riverside LAFCO. She reiterates that a transfer of principal county responsibility will be considered on a proposal-by-proposal basis.

Chairman Smith opens the hearing and asks if there is anyone wishing to speak on this item. There is no one and he closes the hearing.

Commissioner Pearson moves approval of staff recommendation, seconded by Commissioner Colven. Chairman Smith calls for a voice vote on the motion and it is as follows: Ayes: Bagley, Biane, Colven, Pearson, Postmus, Smith, Williams. Noes: None. Abstain: None. Absent: None.

REVIEW AND ACCEPT AUDIT REPORT FOR FISCAL YEAR ENDING JUNE 30, 2002

LAFCO conducts a public hearing to review and accept the Audit Report prepared by the Internal Audits Section of the San Bernardino County Auditor/Controller-Recorder for the fiscal year ending June 30, 2002. Notice of this hearing was advertised as required by law through publication in The Sun, a newspaper of general circulation.

Deputy Executive Officer Kathleen Rollings-McDonald presents the staff report, a copy of which is on file in the LAFCO office and is made a part of the record by its reference herein. Ms. McDonald says this is the Commission's first Audit Report. She says staff provided access to the Commission's financial records and assisted with the compilation of data, and that members of the staff were interviewed regarding the internal operating procedures of the Commission. She notes that Scott Lindsey, Supervisor in the Audits Division, is present if there are any questions related to the document. Ms. McDonald says that the staff recommendation is that the Commission: (1) review and accept the Audit Report; and (2) direct the Clerk to file a copy of the accepted Audit Report with all appropriate entities.

Commissioner Sedano refers to page seven of the report and points out that the Commission also has four alternate members who vote in the absence of the regular member.

Chairman Smith opens the hearing and asks if there is anyone wishing to discuss this item. There is no one and he closes the hearing.

Commissioner Postmus moves approval of staff recommendation, seconded by Commissioner Biane. Chairman Smith calls for a voice vote on the motion and it is as follows: Ayes: Bagley, Biane, Colven, Pearson, Postmus, Smith, Williams. Noes: None. Abstain: None. Absent: None.

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CONSIDERATION OF WAIVER OF REQUIREMENT FOR INDIVIDUAL LANDOWNER AND REGISTERED VOTER NOTIFICATION FOR LAFCO 2900 - SERVICE REVIEW AND SPHERE OF INFLUENCE REVIEW (EXPANSION) FOR, AND POSSIBLE ANNEXATION TO, WEST VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT – CONTINUE INDEFINITELY

LAFCO conducts a public hearing to consider a request for waiver of individual landowner and registered voter notification for LAFCO 2900 – Service Review and Sphere of Influence Review (Expansion) for the West Valley Mosquito and Vector Control District (hereinafter referred to as “the District”), and for a possible annexation to the District. Notice of this hearing was advertised as required by law through publication in The Sun and the Inland Valley Daily Bulletin, newspapers of general circulation in the area, and individual notification was provided to affected and interested agencies, County departments, and those individuals requesting mailed notice.

Deputy Executive Officer Kathleen Rollings-McDonald presents the staff report, a copy of which is on file in the LAFCO office and is made a part of the record by reference herein. Ms. McDonald states that the District anticipates requesting an expansion of its sphere and possible annexation and she says that attached to the staff report is a letter from the District outlining the process it wishes to pursue for these proposals. She says the potential sphere expansion will include the balance of the Cities of Ontario and Montclair, as well as the Cities of Rancho Cucamonga and Upland. She reports that the District is working to solidify its application and that staff is looking at the possibility of notifying 91,000 landowners and voters. She says the District is requesting a waiver of the individual notification requirement and that notice would be provided through large display ads in local newspapers. She says the District has also indicated that a Proposition 218 benefit assessment election would be conducted by mailed ballot to all property owners in the annexation area, at the District’s request. Ms. McDonald states that the staff recommendation is that the Commission endorse the change in notification process recommended by the District.

Legal Counsel Clark Alsop reports that there is a process in the Government Code specific to LAFCO that authorizes the Commission to provide notice by publication of a display ad when there are more than 1,000 notices to be sent by mail. Mr. Alsop says the District is requesting that the display ad process be used for notification of the Commission hearing and later for notification of the protest hearing. He says the District is also requesting that the Commission add a condition of approval that indicates the District must go through a Prop 218 election process and, if the election fails, the annexation will not be completed. He says the Commission will have no involvement in that election.

Commissioner Pearson asks whether representatives from the areas annexed into the District would be included on the District Board. Ms. McDonald responds that she believes there is a requirement that each City added to the District have a representative on the Board.

Commissioner Williams indicates that she would like to see the advertising of the hearing taken a step further and posted at the cities where public notices are displayed. Ms. McDonald states that staff can ask the city clerks and District office to post the notice. She adds that the law requires the ad to be an eighth of a page, but she says staff will have a quarter-page ad with a border published, which will be easily discernible to the public.

Commissioner Colven comments that this is a large sphere expansion. He asks whether this is to replace a service in these areas or whether this will be a new service. Ms. McDonald responds that the District currently contracts with the City of Rancho Cucamonga to provide service and says she believes the District contracts with the Cities of Ontario and Montclair for the balance of their areas not within the District.

Commissioner Biane asks what the per parcel tax assessment is within the District’s current boundaries and what the proposed assessment is.

Chairman Smith opens the public hearing and calls on those wishing to speak.

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Min-Lee Cheng, the District Manager, states they do not have a set dollar amount for the proposed annexation area, but says he thinks it will be comparable to the level of service required. He says he believes the assessment will be lower than the assessment in the southern part of the District, which has a much higher demand for vector control services because of the Agricultural Preserve. Dr. Cheng says the City of Upland will not be part of the proposed expansion area because he just found out that Upland is served by the County Vector Control District and there is already an assessment levied on those parcels. In response to inquiry of Commissioner Biane, Dr. Cheng explains that there are two zones in the southern part of the District. He reports that in Zone A, the south part of Montclair which has lower requirements for vector control services, the assessment is \$10.25 for single-family residential and \$18 for commercial properties. He says the assessment for the rest of the areas is \$18 for single-family residential and \$30 for commercial properties. Commissioner Biane asks whether the District has looked into the reality of whether it can pass a Prop 218 initiative. Dr. Cheng responds they are conducting surveys to randomly selected individuals for feedback that will also help to determine the amount the people are willing to pass on an initiative.

Joan Mulcare of the Public Health Department, Division of Environmental Health Services, Manager for the County's Vector Control Program, states she is surprised that Dr. Cheng and his Board were not aware that County Vector Control currently serves the City of Upland and has since 1986, when it was formed as a district. Ms. Mulcare states she just found out about this item last night and says she is here to strongly protest that the District is going to annex an area the County serves. She says she was going to request a postponement, but she says if the District is going to remove Upland from its proposal, she would like to have this item removed, rewritten and repropose. She points out that the County charges substantially less in that area for assessments and says the County's rate in the City of Upland is \$5.32 for single-family residential property.

Commissioner Postmus asks whether the City contracts with the County and he asks why a County Public Health representative is here today speaking on behalf of the City, rather than the City itself. Ms. Mulcare responds that they just found out about this item last night and that the County is the Vector Control District for the City of Upland. Commissioner Postmus says that if the City has an objection, that is one thing; but he says he, as a County Supervisor does not have an objection and that the Board of Supervisors has not taken any position, so he does not think it is appropriate for Ms. Mulcare to be here on behalf of the County speaking against this. Ms. Mulcare reports that there was an ordinance passed in 1993 that incorporated Upland into the County Vector Control District, along with a number of other cities. Commissioner Postmus states he still does not think her objection on behalf of the County is appropriate, and he says this is something the Board will have to take a look at.

Commissioner Biane comments that he would like to know whether the other cities the District is proposing to annex support the District's efforts. He says he agrees this matter may be premature and that this Commission may not have all the information as to how this item has been brought forward. Commissioner Postmus comments that there are a lot of questions and that maybe they can request a postponement of this.

Commissioner Williams asks Ms. Mulcare whether Vector Control is a department of the County or a District and asks how it can be both. Ms. Mulcare responds that they are a legal district under the State Health & Safety Code and have been since 1986. She explains they could have chosen to fall under a board of trustees, but instead chose to fall under the Board of Supervisors. She says they were governed in 1986 by the Department of Environmental Health which, in 1995, merged with the Public Health Department. She adds that they are a benefit assessment district. Commissioner Williams says that one of the Commission's charges is looking at special districts, and discusses that this is a confusing issue.

Ms. McDonald states that the Commission is getting one step ahead of the process by looking at these issues. She says the issue before the Commission today is whether it agrees to waive the policy requiring individual notice to landowners and voters. She says if the Commission agrees to the waiver, the District will submit its application materials, which will be circulated for review and comment and that Environmental

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Health normally receives application materials and responds to staff. Commissioner Williams asks what the notice will say. Ms. McDonald states it will identify the proposal as a service review, sphere of influence consideration and, if the District submits the application and it includes a resolution initiating annexation, it could also identify the annexation. Commissioner Williams comments then that she does not think the Commission is getting ahead of itself.

Commissioner Postmus says he is confused about this issue. He says that until he has the opportunity to look into this matter and hear from other cities in the area, he does not want it to move forward at this time.

Josh Morris of Shilts Consultants, Inc., states his firm is assisting the District with this process. He states Ms. McDonald and Mr. Roddy have been very helpful in moving everything forward. Mr. Morris states that Mr. Roddy requested that the District talk to the different cities, the County and County Vector Control and get them to "sign off" on the project before moving forward with the annexation. He says the District does not want to move forward with annexation of an area unless that city is "on board". He reports that they will be meeting tonight with the City Council of Rancho Cucamonga to ask whether they support the District's sphere expansion and eventual annexation of their City to the District for increased mosquito and vector control services. He says there is a question of overlapping services within Upland provided by County Vector Control and says that issue has not been resolved. Mr. Morris says the main questions as far as the District submitting its application are: (1) whether the cities and/or County Vector Control will be supportive of annexations in different areas; and (2) whether or not the District will need to mail individual notices to all property owners and voters or provide notice by publication, followed by an assessment ballot proceeding to be mailed to all property owners in the proposed annexation area.

Chairman Smith asks if there is anyone else wishing to speak on this item. There is no one and he closes the hearing.

Commissioner Williams comments that she is just hearing that the County has a district that may be able to do the same services cheaper and she says cities must look to any available service provider to get the best service at the cheapest cost. She says she is not prepared to go forward on this item this morning and forewarns Mr. Morris that she will not be prepared to move forward on the item on the City's agenda tonight.

Commissioner Pearson discusses that it appears that the best way of assuring as much coverage as possible to the public on this issue would be through the discussions by the various cities involved. He says the key will be publicity to the maximum extent possible, not necessarily through individual notices, but by ascertaining how the individual cities are reacting to this proposal, and then moving on to the next step, if there is support for annexation. He says there appears to be two different agencies doing similar services and he says the Commission is responsible for looking at which provider is more efficient. He points out that is what service reviews are about and says he does not think the stage has been set yet for this issue to be decided that easily. He says they first need feedback from the communities and that they also need to know the County's point of view in order to determine who should be providing service.

In response to inquiry of Commissioner Bagley, Ms. McDonald states the Commission has not yet conducted the service review for this District and that it has been continued several times. Commissioner Bagley states that it seems to him that a service review is the perfect opportunity to examine these issues, rather than considering a possible waiver of individual notice without having completed the service review. He says they should proceed with the service review. Commissioner Williams comments that the County Vector Control District must be included as a part of the service review.

Ms. McDonald states staff can proceed to evaluate vector control services in the West Valley between the District and the County and will bring that information to the Commission.

Commissioner Williams moves to continue this item indefinitely, until after the service review is completed, seconded by Commissioner Postmus.

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Legal Counsel Alsop states the item can be continued indefinitely or taken off calendar. He says he senses that the Commission is saying that it wants to have the service review first, and that the issue of notification can be addressed at a future point, if necessary.

Chairman Smith calls for a voice vote on the motion and it is as follow: Ayes: Bagley, Biane, Colven, Pearson, Postmus, Smith, Williams. Noes: None. Abstain: None. Absent: None.

PENDING LEGISLATION

Deputy Executive Officer Kathleen Rollings-McDonald states she has nothing to report.

Legal Counsel Clark Alsop reports that the CALAFCO Legislative Committee is meeting Friday to consider the proposals in the State "hopper" so far. He says there is a bill that proposes to take the incorporation of a city in El Dorado County out of LAFCO hands and send it directly to the voters. He says it is too early to have anything definite that would affect San Bernardino County.

EXECUTIVE OFFICER'S ORAL REPORT

Deputy Executive Officer Kathleen Rollings-McDonald states that the next hearing will be April 16. She states the two continued Redlands items, the preliminary budget review, the detachment of the Coyote Canyon area from the West San Bernardino County Water District, and the annexation of three islands to the City of San Bernardino will be on that agenda. She says the May 21 hearing will include adoption of the final budget and the City of Chino annexation of the balance of the Agricultural Preserve. She reports that the Commission will be provided with copies of the environmental review documents for the Chino annexation proposal at the April hearing.

COMMENTS FROM THE PUBLIC

Chairman Smith calls for comments from the public. There are none.

Chairman Smith states that there needs to be a Closed Session. He says it is an urgency item related to the evaluation of the Executive Officer.

Legal Counsel Clark Alsop states that in order to have that Closed Session, the Commission must find: (1) that the item came up after the agenda was prepared; and (2) that they need to consider the issue before the next meeting in one month. He says if they make those findings, this item can be added to the agenda and the Commission can go into Closed Session on a personnel evaluation.

Commissioner Bagley moves to make the above findings, seconded by Commissioner Postmus. Chairman Smith calls for a voice vote on the motion and it is as follow: Ayes: Bagley, Biane, Colven, Pearson, Postmus, Smith, Williams. Noes: None. Abstain: None. Absent: None.

THE REGULAR HEARING OF THE COMMISSION IS ADJOURNED AT 10:10 A.M. TO A CLOSED SESSION IN THE CONFERENCE ROOM OF THE LOCAL AGENCY FORMATION STAFF OFFICE - EMPLOYEE EVALUATION - EXECUTIVE OFFICER (Government Code Section 54957)

THE CLOSED SESSION ADJOURNS AT APPROXIMATELY 10:45 A.M. CHAIRMAN SMITH ANNOUNCES THAT NO REPORTABLE ACTION IS TAKEN.

ATTEST:

DEBBY CHAMBERLIN

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Clerk to the Commission

LOCAL AGENCY FORMATION COMMISSION

GERALD W. SMITH, Chairman